

# **EXHIBIT 6**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RICHARD ROSARIO,

Plaintiff,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

18-cv-4023 (LGS)

**DECLARATION OF LEN HONG KAMDANG**

I, Len Hong Kamdang, an attorney admitted to practice in the State of New York and the Southern District of New York, submit this declaration under penalty of perjury:

1. From September 2018 until December 2019, I was employed as a Senior Associate at the firm Neufeld Scheck & Brustin, LLP, (“NSB”) with offices at 99 Hudson Street, 8th Floor, New York, New York 10013.
2. I make this declaration in support of an application for attorneys’ fees pursuant to 42 U.S.C. § 1988, covering the hours I expended on this matter. I am fully familiar with the facts discussed herein.

**EDUCATION AND EXPERIENCE**

3. I graduated from University of Michigan Law School in 2003. After graduating, I clerked for the Honorable Louis Bloom in the Eastern District of New York. I then worked as a staff attorney at the Public Defender Service for the District of Columbia for two years. From 2007 to 2018, I was an Assistant Federal Defender in the Eastern District of New York. I was also an Adjunct Professor at City University School of Law from 2016 to 2018 before joining NSB in 2018. My resume is attached as Exhibit A.
4. During my time at NSB, I worked almost exclusively on 42 U.S.C. § 1983 civil rights litigation in federal courts around the country. My practice focused on wrongful conviction

cases such as Richard Rosario's, involving lawsuits against police, prosecutors and/or state and municipal crime lab employees for unconstitutional misconduct. This body of law, arising at the intersection of criminal procedure and civil rights, is relatively new and constantly evolving. To my knowledge, NSB is the only firm in the nation litigating these issues full time.

5. Generally, all these cases involve procedural defenses such as absolute and qualified immunity and require a nuanced understanding of the differences between what it takes to vacate a criminal conviction and the elements of civil liability. In addition, the cases typically involve the same sets of claims, including for fabrication of evidence, *Brady*, and malicious prosecution, and involve similarly flawed inculpatory evidence, including misidentifications caused by suggestive identification procedures. My focus on these issues during my time at NSB, as well as access to NSB's collective knowledge derived from litigating these cases for over twenty years, made my work on this case much more efficient than it otherwise would have been.
6. On behalf of Plaintiff, I am seeking compensation for my work at a rate of \$450 an hour. In my opinion, this requested rate is reasonable in light of the relevant market and my experience and skill.

#### **WORK IN THIS CASE**

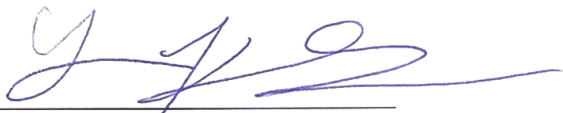
7. I am seeking compensation, on behalf of Plaintiff, for the time I spent on this matter from September 2018 to November 2019.
8. Over the years of this litigation, I played an active role in discovery, including taking and defending a number of depositions of fact witnesses, of one defendant, and two experts.
9. As set forth in the billing records attached as Exhibit B, which come from contemporaneously kept timekeeping logs, I am seeking compensation for a total of 281 attorney hours in this matter.
10. I have reviewed the attached billing record in its entirety, and made an effort to take a conservative and reasonable approach to the total hours for which I seek compensation. In

my judgment, each hour set forth in Exhibit B was necessitated by the circumstances and reasonably expended in pursuit of the ultimate favorable outcome in this complicated and important civil rights case.

11. I hereby declare under penalty of perjury that the foregoing is true.

Date: October 5, 2022

New York, NY

  
\_\_\_\_\_  
Len Kamdang

# EXHIBIT A

# Len Hong Kamdang

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## EXPERIENCE

### **Everytown Law, Everytown for Gun Safety**

January 2020—Present

*Director, Litigation Strategy and Trials*

New York, NY

- Manage strategic litigation approaches as part of a national campaign to end gun violence, confront systemic racial inequality, and prevent gender-based violence in America
- Supervise affirmative civil claims arising from 28 U.S.C §1983, Administrative Procedure Act, federal and state tort theories, federal and state preemptions laws, and more
- Defend municipalities that pass common sense gun violence prevention measures against legal challenges

### **Neufeld Scheck & Brustin, LLP**

Sept. 2018—Dec. 2019

*Senior Associate*

New York, NY

- Litigated complex plaintiff's side police misconduct civil rights lawsuits across the nation
- Deposed police officer and fact witnesses to prove fabrication, coercion, suggestive identifications, and *Brady* claims
- Specialized focus on technical issues including DNA, ballistics, and hair analysis
- Supervised and trained junior attorneys and staff to develop officewide competency in trial skills

### **Federal Defenders of New York, Inc.—Eastern District of New York**

Sept. 2007—Aug. 2018

*Assistant Federal Defender*

Brooklyn, NY

- Represented indigent clients charged with federal offenses including misdemeanors, financial frauds, and death-eligible terrorism cases
- Coordinated with the Chief Judge and United States Probation Department to coordinate STAR Court—an alternative to incarceration drug treatment program
- Composed and litigated motions at all stages of federal criminal cases from arraignment to sentencing
- Served as lead defense counsel in federal court in over twenty federal jury trials

### **City University of New York School of Law**

Jan. 2016—Aug. 2018

*Adjunct Professor*

Long Island City, NY

- Taught classes of 25-30 law students
- Adjunct Professor of Trial Advocacy and Professional Responsibility
- Mentored and trained students on all aspects of trial advocacy from jury selection to summations

### **Public Defender Service for the District of Columbia**

Aug. 2005—Aug. 2007

*Staff Attorney—Trial Division*

Washington, D.C.

- Represented indigent clients in D.C. Superior Court
- Supervised litigation teams of law clerks, social workers and investigators
- Prevailed as lead defense counsel in multiple criminal jury trials

**Honorable Lois Bloom, Eastern District of New York**

Apr. 2004—Aug. 2005

*Law Clerk*

Brooklyn, NY

- Drafted proposed civil court orders and recommendations
- Evaluated pleadings and motions at all stages of civil litigation filed with the Court
- Researched and wrote bench memoranda

**U.S. Department of Justice, Civil Rights Division**

July 1998—May 2001

*Paralegal Specialist—Honors Program, Housing and Civil Enforcement Section*

Washington, D.C.

- Helped design a system for identifying predatory lending violations
- Oversaw settlements in Title II and Housing cases to ensure compliance
- *Special Achievement Award* recipient, 1999

**EDUCATION**

**University of Michigan Law School, Ann Arbor, MI**

May 2001—Dec. 2003

*Juris Doctor*

- Associate Editor, *Michigan Journal of Race and Law*
- Co-Chair, *Grutter v. Bollinger* Student Amicus Committee
- Teaching Assistant, Minority Affairs Program

**Georgetown University, Washington DC**

Aug. 1995—May 1998

*Bachelor of Arts, Cultural Studies and Sociology*

- *Hoggson Award* for outstanding sociology student
- *Outstanding Senior Award* from Volunteer & Public Service Center
- Teaching Assistant, Introduction to Women's Studies/Sociology

**AFFILIATIONS:** *Licensed to practice in both Washington D.C. and New York. Admitted to practice in the Third Circuit Court of Appeals, Southern District of New York, Eastern District of New York, and the Eastern District of Michigan.*

**GUEST ACADEMIC LECTURING EXPERIENCE:** *Brooklyn Law School, CUNY School of Law, Columbia University Law School, Georgetown University Law Center, New York University School of Law*

***Panelist***

*"Storytelling as Narrative Argument in Litigation"*—Metro LALSA Pa'lainte Conference, March 2018

*"Selective Surveillance and Discriminatory Policing: The Impact of Novel Surveillance Technologies in the 'War on Terror' and 'War on Drugs'"*—Yale Law School, Rebellious Lawyering Conference 2015, February 2015

*"Town Hall on: Restoring Confidence in the Criminal Justice System in the Wake of Michael Brown and Eric Garner"*—Benjamin J. Cardozo School of Law, Center for Public Service Law February 12, 2015

*"Are You an Ally"*—Federal Defender Organization—National Training Division August 2020

# **EXHIBIT B**



**SUBSTANTIVE HOURS**

<b>Date</b>	<b>Person</b>	<b>Client</b>	<b>Activity</b>	<b>Description</b>	<b>Duration</b>	<b>Time Totals</b>
28-Sep-18	Len Kamdang	Rosario (Richard)	Prep	Document Review	3:30	3.5
20-Nov-18	Len Kamdang	Rosario (Richard)	Meeting	Meet re: case strategy	0:48	0.8
4-Dec-18	Len Kamdang	Rosario (Richard)	Meeting	meet re: case strategy	0:24	0.4
17-Dec-18	Len Kamdang	Rosario (Richard)	Meeting	meet re: deps, discovery	0:30	0.5
18-Dec-18	Len Kamdang	Rosario (Richard)	Meeting	meeting re: witness interview	0:06	0.1
22-Dec-18	Len Kamdang	Rosario (Richard)	Review	Document Review	5:30	5.5
23-Dec-18	Len Kamdang	Rosario (Richard)	Correspondence	Setting up Deps with the Torreses	0:45	0.8
3-Jan-19	Len Kamdang	Rosario (Richard)	Meeting	dep and case strategy meeting	0:48	0.8
4-Jan-19	Len Kamdang	Rosario (Richard)	Meeting	meet re: case strategy	0:18	0.3
9-Jan-19	Len Kamdang	Rosario (Richard)	Meeting	case meeting/team meeting	0:42	0.7
15-Jan-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ NB, EF, RS, and AF re: deposition strategy	0:54	0.9
22-Jan-19	Len Kamdang	Rosario (Richard)	Prep	Rosario Dep Prep	8:30	8.5
24-Jan-19	Len Kamdang	Rosario (Richard)	Prep	Rosario Dep Prep	8:30	8.5
25-Jan-19	Len Kamdang	Rosario (Richard)	Meeting	Meeting re dep prep	0:24	0.4
26-Jan-19	Len Kamdang	Rosario (Richard)	Review	Document Review	3:00	3.0
26-Jan-19	Len Kamdang	Rosario (Richard)	Phone Call	Phone Call Steven Kaiser	0:45	0.8
28-Jan-19	Len Kamdang	Rosario (Richard)	Prep	Sanchez Dep Prep	4:00	4.0
29-Jan-19	Len Kamdang	Rosario (Richard)	Deposition	Michael Sanchez Deposition	6:30	6.5
29-Jan-19	Len Kamdang	Rosario (Richard)	Meeting	Strategy Meetings	1:00	1.0
30-Jan-19	Len Kamdang	Rosario (Richard)	Phone Call	Call to Robert Davis	1:00	1.0
30-Jan-19	Len Kamdang	Rosario (Richard)	Deposition	Robert Davis Deposition	3:00	3.0
31-Jan-19	Len Kamdang	Rosario (Richard)	Meeting	Strategy Meetings	1:00	1.0
5-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep of John and Jeanine Torres Dep	3:15	3.3
5-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep of John and Jeanine Torres	6:00	6.0
6-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep of John and Jeanine Torres	3:15	3.3
6-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep of John and Jeanine Torres	6:00	6.0
7-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep of John and Jeanine Torres	3:15	3.3
7-Feb-19	Len Kamdang	Rosario (Richard)	Phone Call	Prep of Fernando Torres	0:45	0.8
7-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep of Fernando Torres	6:00	6.0
7-Feb-19	Len Kamdang	Rosario (Richard)	Meeting	depositions	0:36	0.6
8-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Review of Rosario File	9:15	9.3

9-Feb-19	Len Kamdang	Rosario (Richard)	Phone Call	Phone Prep John Torres	0:30	0.5
10-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep for John and Fernando Torres	2:48	2.8
11-Feb-19	Len Kamdang	Rosario (Richard)	Deposition	Deposition of John and Fernando Torres	7:12	7.2
11-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep for Jenine Torres	2:00	2.0
12-Feb-19	Len Kamdang	Rosario (Richard)	Deposition	Deposition of Jenine Torres	3:00	3.0
12-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep for Jenine Torres	1:00	1.0
13-Feb-19	Len Kamdang	Rosario (Richard)	Review	Review of Rosario DD-5s	9:00	9.0
14-Feb-19	Len Kamdang	Rosario (Richard)	Review	Review of Rosario DD-5s	9:00	9.0
15-Feb-19	Len Kamdang	Rosario (Richard)	Review	Review of Rosario DD-5s	9:00	9.0
16-Feb-19	Len Kamdang	Rosario (Richard)	Review	Review of Rosario DD-5s	9:00	9.0
18-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep for Silverman Dep	3:21	3.4
18-Feb-19	Len Kamdang	Rosario (Richard)	Review	Review for Petrauskas Dep	6:00	6.0
20-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep for Silverman Dep	4:00	4.0
20-Feb-19	Len Kamdang	Rosario (Richard)	Review	Review for Petrauskas Dep	3:00	3.0
21-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Dep Prep for Michael Serrano	9:00	9.0
22-Feb-19	Len Kamdang	Rosario (Richard)	Review	Review for Petrauskas Dep	6:00	6.0
22-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Prep for Silverman Dep	2:00	2.0
23-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Dep Prep for Michael Serrano	0:45	0.8
25-Feb-19	Len Kamdang	Rosario (Richard)	Review	File Review	2:00	2.0
26-Feb-19	Len Kamdang	Rosario (Richard)	Deposition	Deposition of Michael Serrano	3:00	3.0
26-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Serrano Prep	2:00	2.0
26-Feb-19	Len Kamdang	Rosario (Richard)	Review	File Review	3:00	3.0
27-Feb-19	Len Kamdang	Rosario (Richard)	Review	File Review	4:00	4.0
27-Feb-19	Len Kamdang	Rosario (Richard)	Phone Call	Scheduling Phone Calls for Ricky and Chenoa Ruiz	1:00	1.0
28-Feb-19	Len Kamdang	Rosario (Richard)	Review	File Review	4:00	4.0
28-Feb-19	Len Kamdang	Rosario (Richard)	Phone Call	Scheduling Phone Calls for Ricky and Chenoa Ruiz	1:00	1.0
1-Mar-19	Len Kamdang	Rosario (Richard)	Review	File Review	2:00	2.0
1-Mar-19	Len Kamdang	Rosario (Richard)	Phone Call	Scheduling Phone Calls for Ricky and Chenoa Ruiz	0:30	0.5
2-Mar-19	Len Kamdang	Rosario (Richard)	Review	File Review	3:00	3.0
4-Mar-19	Len Kamdang	Rosario (Richard)	Meeting	case strategy meeting	0:36	0.6
7-Mar-19	Len Kamdang	Rosario (Richard)	Meeting	Meet re: discovery	0:48	0.8
19-Mar-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ RS, NB, EF re: case strategy, depositions	1:12	1.2
19-Mar-19	Len Kamdang	Rosario (Richard)	Phone Call	Phone call w/ investigator, RS re: witness research	0:12	0.2

29-Mar-19	Len Kamdang	Rosario (Richard)	Meeting	meet re: case	0:36	0.6
1-Apr-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ RS, NB, AF re: Nicole Torres prep	0:54	0.9
8-Apr-19	Len Kamdang	Rosario (Richard)	Phone Call	Expert call	1:12	1.2
12-Apr-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ RS, NB, EF, AF re: psych expert report	0:24	0.4
15-Apr-19	Len Kamdang	Rosario (Richard)	Meeting	Meet re: deps	0:30	0.5
16-Apr-19	Len Kamdang	Rosario (Richard)	Phone Call	Expert report phone call	0:24	0.4
19-Apr-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ RS re: case strategy, planning	0:12	0.2
22-Apr-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ RS & NB re: Sanchez dep	1:12	1.2
26-Apr-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ Rick re: dep prep	0:24	0.4
1-May-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ EF and RS re: discovery	0:18	0.3
5-May-19	Len Kamdang	Rosario (Richard)	Prep	Prep of Deposition of Irwin Silverman	6:00	6.0
6-May-19	Len Kamdang	Rosario (Richard)	Prep	Prep of Deposition of Irwin Silverman	4:20	4.3
7-May-19	Len Kamdang	Rosario (Richard)	Prep	Prep of Deposition of Irwin Silverman	9:08	9.1
9-May-19	Len Kamdang	Rosario (Richard)	Prep	Prep of Deposition of Irwin Silverman	4:00	4.0
9-May-19	Len Kamdang	Rosario (Richard)	Deposition	Deposition of Irwin Silverman	5:00	5.0
10-May-19	Len Kamdang	Rosario (Richard)	Prep	Prep of Deposition of Irwin Silverman	4:00	4.0
10-May-19	Len Kamdang	Rosario (Richard)	Deposition	Deposition of Irwin Silverman	5:00	5.0
13-May-19	Len Kamdang	Rosario (Richard)	Prep	prep	1:30	1.5
20-May-19	Len Kamdang	Rosario (Richard)	Meeting	Meet re: discovery responses	0:30	0.5
22-May-19	Len Kamdang	Rosario (Richard)	Meeting	Meet re: rog responses	0:42	0.7
5-Jun-19	Len Kamdang	Rosario (Richard)	Phone Call	call w/ Chip	0:48	0.8
8-Jul-19	Len Kamdang	Rosario (Richard)	Phone Call	call about 440 motion	0:24	0.4
6-Sep-19	Len Kamdang	Rosario (Richard)	Phone Call	w/ nick, anna, rick, ali talk to dr agharkar & neuropsych re: rebuttal reports	0:48	0.8
6-Sep-19	Len Kamdang	Rosario (Richard)	Phone Call	Phone call w/ expert Dysart, NB, RS, EF	0:48	0.8
10-Sep-19	Len Kamdang	Rosario (Richard)	Meeting	meet re: expert deps	0:48	0.8
18-Sep-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ RS, NB re: discovery and experts	0:48	0.8
20-Sep-19	Len Kamdang	Rosario (Richard)	Phone Call	Phone call w/ NB, RS	0:06	0.1
4-Oct-19	Len Kamdang	Rosario (Richard)	Deposition	Deposition of DeAnsin Parker	3:30	3.5
10-Oct-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ EF & RS re: expert	0:12	0.2
15-Oct-19	Len Kamdang	Rosario (Richard)	Review	Discuss w/ RS and EF disclosure of expert discovery	0:12	0.2
16-Oct-19	Len Kamdang	Rosario (Richard)	Meeting	Meet w/ RS re: Fayer prep	0:12	0.2
18-Oct-19	Len Kamdang	Rosario (Richard)	Deposition	Deposition of Steven Fayer	7:00	7.0

2-Nov-19	Len Kamdang	Rosario (Richard)	Deposition	Deposition of DeAnsin Parker	4:00	4.0
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<b>Total</b>	<b>271.0</b>
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**TRAVEL HOURS**

<b>Date</b>	<b>Person</b>	<b>Client</b>	<b>Activity</b>	<b>Description</b>	<b>Duration</b>	<b>Time Totals</b>
10-Feb-19	Len Kamdang	Rosario (Richard)	Prep	Travel/Prep for Rosario	4:00	4
25-Feb-19	Len Kamdang	Rosario (Richard)	Travel	Travel to Dallas for Serrano Dep	6:00	6

<b>Total</b>	<b>10</b>
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